



MITCHELL E. DANIELS, JR., *Governor*

JAMAL L. SMITH, *Executive Director*

ICRC No. HOha12031054
HUD No. 05-12-0609-8

JAMAL L. SMITH, in his official capacity as
EXECUTIVE DIRECTOR of the
INDIANA CIVIL RIGHTS COMMISSION,
Complainant,

vs.

ROBERT ROBINSON,
Respondent.

NOTICE OF FINDING and
ISSUANCE OF CHARGE

The Executive Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Reasonable cause exists to believe that an unlawful discriminatory practice has occurred. A Charge is therefore issued in accordance with 910 IAC 2-6-6(b).

On March 22, 2012, [REDACTED] ("Complainants") filed a complaint with the Commission against Robert Robinson ("Respondent") alleging discrimination on the basis of disability, in violation of the Indiana Fair Housing Act (IC 22-9.5, et seq), the Indiana Civil Rights Law (IC 22-9, et seq) and Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601, et seq). Accordingly, the Commission has jurisdiction over the parties and the subject matter of this complaint.

An investigation has been completed. Both parties have had an opportunity to submit evidence. Based on the final investigative report and a review of the relevant files and records, the Executive Director now finds the following:

The issue before the Commission is whether the Complainant was evicted due to her disability. In order to prevail, she must prove that 1) she falls within a class of person protected by the law, 2) she was qualified and able to continue occupancy consistent with Respondent's terms and conditions, 3) Respondent evicted her and 4) Respondent allowed other similarly-situated residents without disability to commit the same violation without taking any action.

Complainant is afforded protection by virtue of her disability. The available evidence suggests that the Complainant was qualified to continue her occupancy with the Respondent. The Complainant lived with her husband and they rented a unit from Respondent for \$150 per week. They did not have a written lease agreement. According to the Complainant, rent was due on Monday and she and her husband would pay the rent timely every week. While this is disputed by the Respondent, there was no evidence submitted to substantiate that Complainant's rent was consistently late or behind. Complainant and her husband were evicted in December 2011. Respondent asserts that Complainant's behavior and conduct were contributing factors for the eviction. Complainant acknowledges one instance when the police were called by her husband. Complainant asserts the "episode" she experienced was directly related to her disability.



Respondent asserts that he received complaints and did not want to lose his other tenants, so Complainant was evicted. Respondent was not able to provide any supporting documentation of complaints from neighbors. Complainant asserts that Respondent did not want her living in his unit because of her disability. Witness testimony supports that Respondent made reference to Complainant's mental illness and that he did not want her living on his property. Within a couple of days, on or around December 27th, Complainant received a handwritten notice taped to the door advising that she needed to be moved by Sunday, December 30, 2011. Witness testimony indicates that Respondent was willing to allow Complainant's husband to remain a tenant without Complainant, giving an inference of preferential treatment due to disability. While Respondent has articulated a legitimate, non-discriminatory reason for his action, it appears to be pretext for discrimination based on disability.

This evidence establishes reasonable cause to believe that Respondent has violated the Indiana Civil Rights Law, the Indiana Fair Housing Act, and the Federal Fair Housing Act. As permitted by 910 IAC 2-6-6(h), any party to this complaint may elect to have the claims asserted in this Charge decided in a state court, in lieu of an administrative proceeding under 910 IAC 2-7. Such an election must be made no later than twenty (20) days after service of this Notice. The notice of election must be filed with the Commission and served on the Director, the Respondent and Complainant.

If such an election is not timely made, an administrative hearing of this matter will be scheduled by the Administrative Law Judge. Respondents shall have an opportunity to file an answer to this charge within thirty (30) days of service of this Charge. *Crystal Lansdown and any other person aggrieved by this alleged discriminatory practice may participate as a party in the hearing by filing a request for intervention.* All discovery in this matter must be completed fifteen (15) days prior to the date of hearing.

If at any time following service of this charge Respondents intends to enter into a contract, sale, encumbrance, or lease with any person regarding the property that is the subject of this charge, Respondents must provide a copy of this charge to the person prior to entering into such contract, sale, encumbrance or lease. 910 IAC 2-7-4(e)(3)

August 8, 2013

Date

Jamal L. Smith
Executive Director
Indiana Civil Rights Commission